

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

U.S. DISTRICT COURT
EAST DISTRICT OF TN

Judge: _____

5. Plaintiff started his employment relationship with Defendant in January, 2013.
6. Plaintiff's last date of employment was after March 23, 2013.
7. While Plaintiff was employed by Defendant, he held the position of "janitor" which involved cleaning the Roxy movie theater in Lebanon, Tennessee.
8. While Plaintiff worked as a janitor for Defendant, Defendant was an "employer" of Plaintiff as defined by Section 203(d) of the FLSA.
9. While Plaintiff worked as a janitor for Defendant, the Plaintiff was an "employee" of Defendant as defined by Section 203(e)(1) of the FLSA, and worked for Defendant within the territory of the United States within three years preceding the filing of this lawsuit.
10. The minimum wage and overtime provisions of the FLSA set forth in Sections 206 and 207, respectively, apply to Defendant.
11. While Plaintiff was employed by Defendant, he was an hourly employee who was entitled to overtime wages at a rate of one and one-half times his regular rate of pay for hours worked over 40 in a given workweek, pursuant to Section 207 of the FLSA.
12. While Plaintiff was employed by Defendant, he consistently worked more than 40 hours per workweek, but was not paid overtime wages at a rate of one and one-half times his regular rate of pay for all hours worked over 40 in a given workweek as required by Section 207 of the FLSA.
13. Defendant's violations of Section 207 of the FLSA were willful.
14. Defendant's violations of Section 207 of the FLSA were not in good faith.
15. As a result of Defendants' failure to comply with Section 207 of the FLSA, Defendant is liable to Plaintiff for backpay in the form of overtime.
16. In addition to the amount of unpaid overtime wages owing to Plaintiff, Plaintiff is

also entitled to recover an equal amount of liquidated damages pursuant to 29 U.S.C. Section 216(b), and/or prejudgment interest.

17. Plaintiff is entitled to an award of attorney's fees pursuant to 29 U.S.C. Section 216(b).

18. Plaintiff's written consent to this action is attached as Exhibit 1.

WHEREFORE, Plaintiff prays for the following relief:

1. That he be awarded damages in the amount of his respective unpaid overtime compensation, plus an equal amount of liquidated damages pursuant to 29 U.S.C. Section 216(b), and/or prejudgment interest;

2. Reasonable attorney's fees;

3. Pre-judgment and post judgment interest at the highest rates allowed by law;

4. The costs and expenses of this action, including discretionary costs; and

5. Such other, further general legal and equitable relief to which he may be entitled.

Respectfully submitted,

/s/Randall W. Burton

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CONSENT TO BECOME PARTY PLAINTIFF

David Shuman, pursuant to 29 U.S.C. § 216(b), files this Consent to Become a Party Plaintiff in the above lawsuit.



David Shuman

EXHIBIT 1